

The English Only Amendment
Marketing an Alternative

An Honors Thesis (HONRS 499)

by

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Abstract

This paper not only examines the issues and implications that the passing of the English Only Amendment presents, but it also introduces an alternative piece of language legislation called The English Plus Bill. The paper details the history of linguistic conflict and also documents significant court cases and organizations that have a direct impact on both pieces of legislation. Using the arguments that are presented by these groups and through these court cases, a marketing campaign for the English Plus Bill is mapped out and presented.

The progression of the United States as a multicultural and pluralistic nation has never been without both the fear of losing individual cultural identity and the concern that America will never be a united society. One of the most prominent conflicts among the diverse social groups in this country centers around language barriers and the actions taken to remove these barriers. As the 21st Century fast approaches, the same issues that surfaced during the influx of immigrants from Southern and Eastern Europe during the turn of the 20th Century are now being resurrected in stronger and more sensitive forms. Indeed, with the influx of immigrants from Latin America and Asian countries, the United States' ability to reconcile political identity and cultural diversity is being challenged.

In an effort to address the issues of language, diversity and unification, politicians have presented legislation formally recognized as the H.J.RES.656 (de Gruyter 1990, p.301) and informally regarded as the English Only Amendment. This controversial piece of legislation was presented by former republican senator S.I. Hayakawa as a joint resolution in Congress in 1981. Since its debut, the law itself has made little progress but has spurred debate and a strong reflection upon America's identity and values.

The English Only Amendment blatantly states that English will be the official language of the United States without exception. Section Two of Article One of the legislation says, "Neither the United States or any State shall be required by law, ordinance, regulation, order, decree, or policy, the use in the United States of any language other than English" (de Gruyter 1990, p.301). The implications and debates about this single piece of legislation follow.

The History of Linguistic Conflict in America

When Thomas Jefferson wrote the Constitution, neither he nor his colleagues presented English as the official language of the United States, but rather assumed English would be accepted as if it were (Cirtrin 1990, p.30). Their assumption was proven correct for the remainder of the 18th Century and for the majority of the next Century. Researchers found that the first generation of Americans were relatively monolingual, the second generation were bilingual and the third generation were English monolingual proving that English was not only accepted as the nation's language but was also perceived as a means to get ahead in the country (Cirtrin 1990, p.31). Political coercion was not needed. In some states where there were high populations of certain ethnic groups, bilingual education programs were common before the Civil War. Cincinnati, Indianapolis, St. Louis and Baltimore are only a few cities that embraced bilingual instruction (Gallegos 1992, p.98). "Additionally, there were French-English programs in Louisiana, Spanish-English programs in the territory of New Mexico and scattered Norwegian, Czech, Italian, Polish and Dutch programs" (Gallegos 1992, p.99). In some cases, children who learned through this method of instruction were more proficient in English than children who spoke English as their native tongue (Gallegos 1992, p.99).

During the late 1800s, a large increase of immigrants from the Southern and Eastern regions of Europe started a wave of xenophobia within the United States (Cirtrin 1990, p.32). In 1917, anti-German sentiment due to World War I forced politicians to start passing laws favoring English speaking citizens. During this time, fifteen states passed laws making English the only language of instruction in schools and immigrant quotas quickly developed to favor only those immigrants from Northwestern Europe (Cirtrin 1990, p.32).

As the melting pot theory became more popular, assimilation of immigrants became the goal for educators and politicians (Gallegos 1992, p.99). Well-known educational historian Ellwood P. Cubberly stated that the new wave of immigrants, mainly those of Catholic roots, were unmotivated and unwilling to learn English and did not possess, "Anglo-Teutonic conceptions of law, order and government" (Gallegos 1992, p.99).

President Theodore Roosevelt was considered a vocal and very influential assimilationist of the period, and in 1917, eight years after he left the White House, he wrote *The Foes of Our Household* or the Americanization Doctrine, better-known as the "Assimilation Doctrine," (Gallegos 1992, p.99). In his essay, Roosevelt stated,

There is no room in this country for hyphenated Americanization. Any man who comes here...must adopt the language which is now the native tongue of our people...It would not be merely a misfortune, but a crime to perpetuate differences of language in this country...and if, say after five years, he has not learned English, he should be sent back to the land from whence he came (Gallegos 1992, p.100).

However, despite mounting nationalistic pride after World War I, a federal proposal to prohibit the teaching of foreign languages in schools was "quickly stifled by the courts as an unconstitutional infringement of parental and individual rights," (Zall and McCloe Stein 1990, p.261). During the period between World War I and the 1960, little is mentioned in regard to English legislation. However, anti-immigration sentiment grew as World War II, the Korean War and the Vietnam War brought the increase of immigrants from the Orient.

Revised immigration laws in 1965 marked the beginning of a new racial makeup of immigrants. Between 1950 and 1960 roughly 2.5 million people legally emigrated to the United States. Between 1971 and 1980, 40 percent of immigrants came from Latin American and 35 percent came from Asia (Cirtrin 1990,p.34).

Emotions started to heat up in the political arena as educators against teaching in multiple languages began seeking help from their local politicians. Despite their protests, the 1968 Bilingual Education Act was passed and was the first significant federal step in the promotion of language rights. This law was mainly directed towards the Hispanic population in the western and southern areas of the United States. Senator Ralph Yarborough was the sponsor of the bill, which promulgated the need for special programs and funds for those children whose primary language wasn't English (Cirtrin 1990,p.32).

Also with the intensity of the civil rights movement in the 1960s, more attention was given to the validity and constitutional legality of English Only legislation than ever before (Cirtrin 1990, p.32). In the 1974 court case Lau vs. Nichols, the Supreme Court decided that Title VI of the 1964 Civil Rights Act "required school districts to take steps to ensure non-English-speaking children participate meaningfully in the educational system," (Cirtrin 1990, p.33). Kinney Lau was a Chinese-American student who was being forced to take all of his course in English. When his case was presented to the Supreme Court, it was ruled that this was the equivalent of denying him an education (Shaker 1993, p.134).

The result of this court case went far beyond the courtroom. Teachers' unions bitterly opposed the ruling and studies were then launched from 1977-78 to determine the effectiveness of bilingual education programs (Cirtrin 1990, p.33). The push for English as the official language of the United States became more intense after Lau vs. Nichols.

Since this landmark case, there have been numerous rulings at both state and federal levels. Although almost all of these cases involve education, several touch upon voting rights, workplace discrimination and public safety barriers. All of the cases bring to the forefront civil

rights issues as well as questions about complications implied for non-English-speaking citizens of the United States.

In January 1996, there were 21 states that had passed legislation requiring English to be their official language (Donegan 1996, p.52). However, in 1990, only three states had not officially declared English as their official language, meaning although there was no law being passed, the issue was under consideration. These states that did not engage in such debate were Maine, Vermont and Alaska (Cirtrin 1990,p.35). Usually these laws began as a simple, declarative resolution, and many agree the decision for implementation is more symbolic than needed. It is a statement of affirmation that English is the most important language (Cirtrin 1990, p.35). However, some of the states that encourage the use of English Only also have laws that prohibit the use of foreign languages in public schools. The interpretation of the official English laws is very loose and largely depends on the judges (Cirtrin 1990, p.35).

Significant Cases

Some of the most powerful conclusions about English Only legislations have been given through court cases, which have both determined the amount of influence government has on linguistic issues and have better defined the public's opinion on English Only laws. The following court cases reflect significant points in the history of linguistic conflict, and although not all cases are documented here, these court cases also influenced the outcomes of legislation later in history.

1980: Florida voters in Dade County approved an anti-bilingual ordinance prohibiting the use of public funds for anything not containing English. For example, this ordinance stopped in the Spanish publication of fire safety information pamphlets, halted Spanish marriage ceremonies,

and public transportation signs written in Spanish were removed (Draper 1990, p.11).

Furthermore, the Florida state amendment, which was passed the same year “received 84 percent of the statewide, won every county and carried nearly two-thirds of the vote in the heavily Hispanic Dade County” (Cirtrin 1990,p.38).

1984: California voters approved Proposition 39, which called for the end of bilingual ballots for the whole state. “This measure places California on record in opposition to the federal law mandating such ballots” (Draper 1990, p. 12).

1986: California’s Proposition 63 was passed. This was the first English Language Amendment to pass by ballot initiative. It was unclear to many how it passed since demographically, the majority of the voting population was Hispanic. This law also stated that residents could sue if the law were not upheld (de Gruyter 1990, p.132).

1988: A push for English becoming the official language of Arizona caused controversy. The law said that the state will act in English and no other language. The debate over this law forced the Supreme Court in 1996 to start studying whether or not states could make English their official language and require most government actions to be taken in English (1997, http://info-center.ccit.arizona.edu/~wildcat/papers/89/123/08_1_m.html).

1995: Republican Representative of New York Peter T. King, introduced the National Language Act of 1995. This was the most sweeping official-English legislation submitted so far in the 104th Congress. It not only called for English to be the official language of the United States but

also proposed the repeal of the Bilingual Education Act and the termination of the Office of Bilingual Education (Donegan 1996, p.54).

Major Organizations

To better understand the people behind the issues, a compilation of the most public people involved with English Only legislation is important to review. This list, which is categorized by those people and organizations for English Only and against it is located in the Appendix.

The Arguments for English Only

The Arguments for English Only range from the hope that the United States will become a united nation with the enforcement of language laws to the idea that English Only would support the Constitution more so than present bilingual education provisions do now. The following is a list of these arguments with insight from politicians and linguists on the topic.

Unification

The most frequent argument for English Only is the idea that having one official language for a nation would unify it.

In the post-bicentennial era, most Americans recognize that a small number of institutions in American society are the foundation of this pluralistic nation...Without these institutions, many American believe this country would descend into internecine rivalries...One of these basic institutions is our tradition of a common language, a tradition which must be maintained if we are to remain a unified people without enforced conformity (Zall and McCloe Stein 1990, p.261).

U.S. English, an anti-immigrant group that is pushing for the passage of the amendment stated that making English the official language of the United States would maintain national unity through effective communication on all levels, including schools, media and basic government functions (U.S. English 1993). This argument presumes that the nation lacks unification and is fueled by the belief that ethnic groups are unwilling to learn English and therefore stay within their own communities since there are no laws forcing them to learn (Zall and McCloe Stein 1990, p.263).

Others look to other countries to set an example for the United States. There are 69 countries that have declared an official language, including England, France and Italy. It is expected that when visitors arrive in those countries, they comply with the natives' ways of life (U.S. English 1993). Some republican politicians follow this same train of thought.

What is it that has made a society out of the hodge-podge of nationalities, races and colors represented in the immigrant hordes that people our nation? It is language, of course, that has made communication among all these elements possible. It is with language that we have dissolved distrust and fear. It is with language that we have drawn up the understandings and agreements and social contracts that make a society possible (Hayakawa 1985, p.15).

U.S. English also offers example of countries in chaos due to competing languages within their nations, such as the states of the Soviet Union, Canada, Belgium, Sri Lanka, India and Afghanistan (U.S. English 1993). In a dramatic statement reinforcing the importance of not falling into the same dilemma as these countries, House Speaker and Republican Newt Gingrich replied in 1995 in his book To Renew America that "Without English, there is no [American] civilization" (Donegan 1996, p.51).

There is a great deal of fear that cultural groups who speak different languages are unwilling to learn English, and therefore, will remain in their individual sections of cities since

there is no incentive provided to learn English. Maria-Kelly Yniquez, an active citizen against English Only laws in the workplace even admits that, "In Massachusetts, driver's licenses come in 25 languages. In California, ballots are printed in a host of languages. We've taken away the incentive for immigrants to assimilate"(1996,<http://www.cnn.com...sh.only/index.html>). Also, there is a common belief that "Language rights were demanded by ethnic minorities as a symbolic affirmation of their continuing attachment to their original cultures" (Cirtrin 1990, p.34).

Second-Class Citizenship

Without assimilation, English Only supporters believe that immigrants will be stuck in ghettos without hope of social advancement (Cirtrin 1990,p.35). For supporters of English Only, they see the pushing of English as a pushing of immigrants to a successful life in the United States (Hayakawa 1985, p.16). Bilingual programs seem to impede this progression. Wisconsin Republican Representative Toby Roth claims that "“ There is nothing that harms youngsters or holds them back, makes second-class citizens as much as bilingual education”" (Donegan 1996, p.57).

Costs of Bilingual Education Programs

Republicans are at the helm of English Only legislation, and although they touch upon the emotional issues such as fighting for a unified nation, they primarily arm themselves with statistics about the cost of bilingual programs in regard to education. The majority of these costs

are placed upon the local taxpayers' shoulders, and little is paid for by the federal government (Donegan 1996, p.51).

Congress cut \$38.5 million from the \$195.2 million fiscal 1995 bilingual education budget. In proposals for fiscal 1996, the House only offered \$53 million for the program, and the Senate Appropriations Committee proposed \$123 million; the White House has asked for about \$200 million (Donegan 1996, p.53).

Also with the enactment of an English Only law, all official federal government business would be undertaken in English, therefore eliminating the cost of multilingual documents. For example, "the Internal Revenue Service would no longer be allowed to distribute tax preparation information in Spanish" (Greenhouse 1996, p.A14).

Ineffectiveness of Bilingual Education Programs

Although several people admit that the true effectiveness of bilingual education is hard to determine, there have been numerous studies launched since the late 1970s. However, choosing the methods of measurement and determining who should do the measuring is a sensitive topic for both those in favor and in opposition of bilingual education (Donegan 1996, p.53).

A 4-year study conducted in New York City and reported in the spring 1995 issue of *The American Experiment* found that those students placed in a strictly English environment outperformed those enrolled in equivalent bilingual courses. The same journal article also cited that a similar study undertaken in Texas yielded the same results. It concluded that those students immersed in English for three to four years scored better on English proficiency tests than those in bilingual programs for six to seven years (Donegan 1996, p.53).

Not only is the effectiveness of such education programs being tested, but the selection of participants within the programs is being questioned. Several teachers and parents have

complained about their children being incorrectly placed in a bilingual classroom when they were fully capable of speaking English. These cases have occurred predominantly in California, but several have also been known in Florida. The results of being misplaced were detrimental rather than helpful, and “polls show that children often are railroaded into bilingual classes....Domingo Sanchez...recalled that when her son Javier was a third-grader, he was moved into classes where he was taught in Spanish although he spoke English fluently” (Donegan 1996, p.57).

As a result of these mistakes within the bilingual education system, U.S. English claims there are some high schools that allow their students to graduate from high school without learning English (U.S. English 1993). Furthermore, a 1993 report made by state watchdog group, California’s Little Hoover Commission, said that even though the number of non-English-speaking students had doubled, very few of these students became fluent in English. In concluding their report, the commission stated that teaching children in their core language was wasteful and unproductive (Gallegos 1992, p.98).

Reverse Discrimination

Former Republican Senator S.I. Hayakawa is concerned that by allowing special programs for immigrants to learn English, the United States is in reality regarding them as not being capable of learning English.

Sensitive as Americans have been to racism, especially since the days of the Civil Rights Movement, no one seems to have noticed the profound racism expressed in the amendment that created the “bilingual ballot.” Brown people, like Mexicans and Puerto Ricans, red people, like the American Indians, and yellow people, like the Japanese and Chinese, are assumed not to be smart enough to learn English. No provision is made, however, for non-English-speaking French-Canadians in Maine or Vermont, nor for Yiddish-speaking Hassidic Jews in Brooklyn, who are white and are presumed to be able to learn English without difficulty (Hayakawa 1985, p.15).

English Only Would Not Violate Civil Rights But Support the Constitution

In 1990 Spun Steak Co., a San Francisco-based-meat-processing plant, implemented English Only rules due to two Hispanic employees making racist comments in Spanish about two other employees; one African American and the other Chinese American. When the two Hispanic employees sued the company, the court banned the company rules as violating Title VII of the Civil Rights Act of 1964. However, in 1993, the United States Court of Appeals for the Ninth Circuit ruled that the rules did not violate the Civil Rights Act (Murphy 1993, p.24). Supporters for English Only are encouraged by cases such as this where the law is not presented as a white against minority issue.

The proponents for English Only also assert that teaching in native languages is maintaining individual cultures. Teaching individual cultures is the same as teaching religion, which is a basic violation to the Constitution.

Government's sphere is public life; the preservation of cultural traditions through private associations is none of its concern...If children's parents want to preserve languages or traditions of their homelands or people, they may do so through the family or through private schools (Imhoff and Bikales 1987, p.74).

General Arguments (Neither for nor Against English Only)

Some commentators on English Only feel as though some issues should be clarified before the English Only Amendment itself is examined. These commentators are neither for nor against English Only but only offer an explanation of some of the concerns that are confusing for many people.

The terms "English Only" and "Official English" are not the same thing. Laws get caught up in this technicality, and some clarification should be made since court decisions are made via the wording of such legislation. Therefore attention should be made to making concrete definitions available for all to understand, especially voters (Stalker 1988, p.44).

English as the only language would be extremely restrictive. This law could be interpreted in several ways.

It could mean that languages other than English could not be spoken in any public places-the street, public offices. It could mean that we must designate certain areas in which languages other than English could be used, much as we do now for cigarette smokers in some states (Stalker 1988, p.45).

English as the official language implies that all government documents and business be conducted in English. However, this would not mean that government officials would have to use English when communicating to their constituents. Furthermore, funds could legally be allocated to the communication process, whether through signs, newspapers or phonebooks (Stalker 1988,p.44).

It is also important when examining this issue to separate the linguistic issues from the political issues. From a linguistic standpoint, bilingualism is an asset for a nation, while from a political viewpoint, bilingualism is not an asset to the budget.

Along with funding, the influence of federal power within school districts is also another sensitive issue. "Education, a responsibility long reserved for the states, was not subject to greater federal oversight..." (Gallegos 1992, p. 111). Although not directly related to the effectiveness of bilingual programs, the contention between federal and state government plays a large part in the stance that some politicians take on this issue.

The campaign in Arizona for Proposition 106 also produced another political issue which was not associated with language rights. Voters there contended that it really didn't matter what language was designated as the official language and compared it to picking a state bird to flower. The choice "...is a political issue not because people were asked to cast a vote but because when people anywhere elect one language to a status different from another language they also elect the speakers of that language to a different status" (Adams 1992, p.23).

Some politicians also are wary about changing the Constitution regardless of what changes are to be made. Democrat and Texas Representative Albert Bustamante stated, "...amending our Constitution is a serious matter. Since the ratification of the Bill of Rights in 1791, the nation has made only 16 changes in the Constitution...If [official English] is a symbolic measure with no impact whatsoever on our rights, then it is a frivolous exercise," (Crawford 1989, p.52).

Arguments Against English Only

With the arguments for English Only already presented, opponents of the amendment are then put on the defensive side arming themselves with statistics of high assimilation rates and Constitutional rights. English Only opponents fight back with the fundamental belief that this nation was founded as a polyglot nation and should remain so. They maintain that the passing of this law will divide the nation by advocating racism and xenophobia. The following are the arguments against English Only.

Maintaining Diversity and Cultural Heritage

The very name “The United States of America” indicates the separate-but-equal peoples of this country. From the birth of the United States, multitudes of cultures were the building blocks of this nation. Colonies did not just consist of English immigrants but rather were formed from different nationalities of people, including Dutch, French and German. Although not the case all of the time, most of the time immigrants came to the United States to free themselves from religious or other government persecution. It was here they were welcome to seek refuge and start a new life.

A conglomeration of cultures is what our country is built upon or else the Statue of Liberty would not be held as a such a symbolic figure for our nation. For many, this conglomeration is the “core strength and vitality of the United States...and it is our constitutional commitment to equal protection under the law” (EPIC 1989, p. 24).

Even though several speculate that Thomas Jefferson assumed English would become the official language of the United States, the fact still remains that an official language was not designated within the Constitution.

...the founding fathers made clear their choice not to designate a national tongue... (they) promoted the respect for diversity of languages...(they) promoted respect for diversity of languages... (and they) had an almost unfailing conviction that the pragmatic and universal appeals and functions of the English language would establish it as the national tongue in practice... Furthermore, (they) believed the individual's freedom to make language choices and changes represented a far more valuable political asset to the new nation than did a state decision to remove these freedoms from the individual (Adams 1992, p. 23).

As indicated, the right to language choice is considered an integral part of maintaining cultural heritage. Critics of the English Only Amendment often remind their opponents that forcing English upon citizens is both un-democratic and against the basic American ideals the country was founded upon. In the midst of pointing out those who may exemplify un-American traits, they themselves are engaging in what they are accusing others of doing. They are making the condition that for full membership into the American society, one must speak English, which can be seen as a blatant threat of robbing cultural values from those groups who do not speak English. They are saying that this country was formed with a commitment to racial and ethnic homogeneity (Trasvina 1990, p. 281).

This causes grave concern for ethnic groups such as Native Americans, Native Alaskans and Native Hawaiians whose culture would be extinct if English were to be forced upon them legally (1997 <http://www.nea.org/info/engonly.html>). "Official language would repeal the Native American Languages Act of 1992. This would eliminate the little protection that exists for Native Americans to continue their language traditions," (1997 <http://www.stolaf....n/aatg/engpts.html>). According to the National Indian Education Association, there are over 400 federally recognized Native American tribes in the United States today.

Each of these Indian nations is unique in its culture, heritage and language traditions. Adoption of legislation requiring residents of the United States to conduct their business with the government exclusively in English would pose a serious threat to the language and cultural preservation of the first Americans (1997 <http://www.stolaf....n/aatg/engpts.html>).

Maintaining a multilingual country is both an asset for the peoples within the country and for the country itself as it competes in the global environment. Within the country, ethnic harmony is and can further be achieved through the interaction of different cultures, that, in turn, fosters understanding and education. The mission statement of the Joint National Committee for Languages is built upon this belief.

The United States is a nation to whose shores have come peoples from every continent, and history records their priceless contributions. From the very beginning, the quality of life has been ennobled and enriched by them, and city and village streets have resounded with the music of many languages. It is a rich heritage, one to be nurtured, encouraged, cherished (1997 <http://languagepolicy.org/nclis/jncl.html>).

Historically, being a multilingual country has proven to be quite advantageous.

Linguistic diversity has

...enabled the United States to preserve national security. During World War II, Native American Mohawk and Navajo "code-talkers" used their language to send the only coded messages the Axis powers were unable to break. Japanese-Americans who translated enemy communications also made an invaluable contribution to winning the war in the Pacific (1997 <http://www.stolaf....n/aatg/engpts.html>).

National security was also aided through the development of codes by multilingual persons during the Korean War and the Vietnam War (1997 <http://www.nea.org/info/engonly.html>).

The benefits of a multilingual country stretch far into the future, especially in regard to understanding this nation's contemporaries abroad. "Skills in another language

is an economic resource as well as an intellectual once” (Adams 1992, p.26), and there is a consensus that “English skills alone will not be enough for our future citizens to compete in the economy of the 21st Century,” (1997 <http://www.stolaf....n/aatg/engpts.html>). The U.S. Department of Commerce reports that while every student in Japan is required to take a minimum of three years of English in order to graduate, only 639 students in American high schools have Japanese teachers. Likewise, the United States does not take advantage of the 17,345,000 Spanish speaking citizens in this country to help others become proficient in the languages. In both these cases, the United States must deal with trade deficits over \$10 billion. There are also more English teachers in Russia than Russian students in the United States, and as the effects of the Cold War begin to fade, an economic opportunity arises. Unfortunately, this country will be too inept to take advantage of it (1997 <http://www.stolaf....n/aatg/engpts.html>).

The NEA supports the argument that maintaining diversity and multilingualism is a vital asset to this country. It concludes in their 1988 publication, *Official English/English Only: More Than Meets the Eye* that,

The English Language Amendment is the wrong remedy for whatever America’s social ills it tries to solve--for five reasons. It ignores our country’s civil rights tradition; it fails to promote the integration of language minority citizens into American mainstream; it neglects the need for American merchants to communicate with foreign markets; it restricts the government’s ability to reach citizens; and it raises Constitutional concerns (1997 <http://www.nea.org/ingo/engonly.html>)

Violation of Constitutional Rights

The English Only Amendment may violate the Constitution in several different ways. Historically, language legislation has been perceived as a legal way to keep races from exercising their full constitutional rights. The English Only Amendment is no different. Although language is not considered a fundamental right by some, its freedom does allow for citizens to exercise their fundamental rights such as voting and freedom of speech (Trasvina 1990, p.282). Some equate the legislation to the Jim Crow laws passed to keep blacks from voting and the naturalization literacy tests designed to keep Southern and Eastern Europeans from becoming American citizens. The courts agree with the unconstitutional threat this law presents, and ruling from Meyer vs. Nebraska states, ““The protection of the Constitution extends to all--to those who speak other languages as well as to those born with English on the tongue,”” (Trasvina 1990, p.282).

The denial of Due Process and the infringement upon Freedom of Speech rights are also at stake. Currently, Due Process demands that a translator be supplied by the government so that a defendant may properly defend himself in court. This right would be denied if the English Only Amendment were to be enforced. Others even go as far as to say Due Process is denied by “failure to provide Spanish translation of social security forms, even social security forms that are essential to obtain benefits,” (Weinstein 1990, p.274).

Freedom of Speech, protected by the First Amendment, is also threatened by the English Only Amendment since it basically makes speaking in the manner in which a person chooses illegal (Rodriguez 1990, p.18). Indirectly, Freedom of Speech is denied because, “What if one wanted to conduct a meeting in Spanish or Old Norse? Could the

government punish us or prohibit us for doing so? The answer is clearly no. The government could not do that because of the First Amendment right of free speech,” (Weinstein 1990, p.273).

The last violation of Constitutional rights occurs through the inflexibility the English Only Amendment would give to legislatures or administrators to deal with language issues that occur within their territories.

There may be a constitutional difference between 1) an agency, after looking at problem, concluding that it will not give forms in a particular language and 2) that same agency being prevented by an across-the-board rule from even considering the problem (Weinstein 1990, p.278).

Dividing the Nation Through the Advocation of Racism, Xenophobia and Nazism

The interpretation of the English Only Amendment largely depends on who has the power and what prejudices he may have. Potential problems that are implied through the passing of the English Only Amendment extend not only at the workplace but also to public social gatherings and schools. Some equate the English Only Amendment as a legal document for advocating ill feelings among different ethnic groups (Trasvina 1990, p.282). Some politicians have even publicly called it a “divisive and dangerous amendment” because it has the potential to restrict civil rights on the basis of one’s proficiency in English (Crawford 1989, p. 53).

Some of the incidents that have occurred due to a racist interpretation of some English Only laws include:

- A Hispanic was fired from his job for speaking Spanish on the job. “He said one sentence in Spanish and was fired for doing so,” (Weinstein 1990, p.275).

- A customer at a tavern was asked to sit in the back of the pub if he wanted to speak English. The tavern owner said that his other customers were uncomfortable hearing the language (Weinstein 1990, p.275).
- A child was punished at school for speaking Spanish on the playground (Trasvina 1990, p.282).

Because these laws are open to interpretation, English Only opponents claim that there will be stronger feelings of xenophobia among ethnic groups since the division between those who can speak English and those who cannot will be more defined. Feelings of distrust, which will be perceived as justifiable by the government, will further separate ethnic groups and alienate them.

English Only legislation, which seeks to regulate language, seems to be giving life to the social forces of resentment. This resentment could stem from a rise in the number of foreign accents we hear day-to-day or the increase in the use of languages other than English. This kind of resentment is not based on a need to improve communications between individuals or their government, but is based on the fear of the growing foreignness in our midst (Underwood 1996, p.1).

Other supporters of a multilingual society declare that the nation will be a more divided society since newcomers will be at a perpetual disadvantage. This disadvantage will be supported by English Only supporters who have been compared to “Nazis, the Klan, Skinheads and other boosters of the master race” who want to send the message that the newcomers are not welcome in this country until they “have ceased to discomfit the rest of use with their strangeness” (Donegan, 1996, p.51).

English Only legislation has also been compared to Nazi laws enforced by Adolf Hitler before and during World War II. Opponents of English Only often imply that those in favor of the amendment are “white supremacists” and are using the amendment to stop

the growing strength of other ethnic groups (Adams 1992, p.24). To further their argument, English Only opponents cite the following case in which a link between anti-immigrant organizations and English Only supporters was discovered.

One group provided financial backing to an immigration reform group headed from 1981-86 by John Tanton who in 1988 was the chair of U.S. English. This group, Pioneer Fund, had included eugenics--control of human gene pools--among their strategies for population control. In the late 1930s they supported Hitler's strategy of forced sterilization for populations considered inferior by Nazis (Adams 1992, p.24).

Barriers for Communication in Public Safety

Another critical consideration in regard to English Only is the communication barriers that will restrict public safety. Since English Only supporters wish to ban the publication of government documents in any language but English and prohibit the speaking of any other language but English in government matters, serious health and safety hazards may occur.

English Only would be harmful because it would create a public health hazard where language minorities would have difficulty accessing public health care. Language restrictions also would make it more difficult for law enforcement officials to gather information from informants or victims who do not speak English. Finally, intelligence gathering would be hindered. The government would have to conduct all its official business in English (CIA operatives could not speak with foreign informants in their native tongue) (1997 <http://www.nea.org/info/engonly.html>).

The availability of bilingual 911 emergency services is also at stake with the passing of the English Only Amendment.

There is not a Constitutional right to a 911 bilingual operator, but states have recognized the need for their existence and then have provided them by statute. The vast majority of bilingual services, then, will be up-for-grabs under the

official English bills which purport to protect rights under the Constitution (Trasvina 1990, p.284).

No Practical Means of Enforcement

Although costs of bilingual education and services seems to be a driving force for English Only proponents, opponents question the cost of enforcing the law after it is passed.

The money for massive enforcement of current or new immigration restrictions is unlikely to materialize, so let's consider the ramifications of the other major possibility, prohibition of the use of any language other than English. If any language group, Spanish or other, chooses to maintain its language, there is precious little that we can do about it, legally or otherwise, and still maintain that we are a free country. We cannot legislate the language of home, the street, the bar, the club, unless we are willing to set up a cadre of language police who will ticket and arrest us if we speak something other than English. What we can do is disenfranchise all of those who have not yet learned or cannot learn English. We can exclude them from the possibility of taking part in our political system and from our schools, and because they will be uneducated...we can ensure a new oppressed minority (Stalker 1988, p.50).

Not only is enforcement considered a costly prospect, but litigation after someone violates the English Only law may have a high price tag. "Our nation's courts would be overloaded by frivolous litigation over foreign words and phrases used in American government and between American citizens" (1997

<http://www.stolaf....n/aatg/engpts.html>) The extent of what people would consider an infringement upon this law is also questionable. Since English is not a pure language but is rather made up of a combination of different languages, phrases such as RSVP (repondez s'il vous plait) could be banned or other phrases such as Quid Pro Quo would not be allowed. "Our country's currency contains Latin phrases such as: Annui Coeptis, Novis Ordo Seclorum, E Pluribus Unum and the United States Marine Corps' official

motto is the Semper Fidelis. Anyone feeling 'violated' by the use of these phrases could sue for compensation" (<http://www.stolaf....n/aatg/engpts.html>).

Lack of Necessity (Assimilation rate high)

Despite claims that immigrants are unwilling to learn English, several opponents of English Only respond with statistics about the number of people on waiting lists for English classes. A report published by the NEA noted that "there were nearly 66,000 immigrants in Los Angeles and New York City alone on waiting lists for adult English classes. The demand for English as a Second Language has become so great, that there are schools that operate 24 hours a day to accommodate interested students" (<http://www.stolaf....n/aatg/engpts.html>). Furthermore, "San Francisco College teaches English to 20,000 adults every semester, and the waiting list is huge. In DeKalb County, Ga., 7,000 adults are studying English; in Brighton Beach, N.Y.; 2,000 wait for a chance to learn it" (Headden 1995 <http://www.usnews.com>). English Only opponents insist that a shortage of English classes and teachers is the main reason why it seems as though immigrants are not learning English as fast as proponents think they should (Adams 1992, p.25).

In fact, opponents to English Only say that the linguistic assimilation rate is actually increasing. "After 15 years in this country, 75 percent of Spanish-speaking immigrants use English on a daily basis... and 70 percent of their children become English speakers for all practical purposes" (Crawford 1989, p. 56). So rapid is this linguistic assimilation rate, several older generations complain that the younger generations refuse to use any other language than English. "...50 percent of all second

generation Mexican Americans have lost their Spanish proficiency all together”

(<http://www.stolaf....n/aatg/engpts.html>).

Other supporters of a multilingual nation say there is no need for an English Only Amendment because people already look at English as the official language of the United States and a tool to become successful in this country. “97 percent of Americans over the age of 5 speak English,” (Underwood 1996, p.1) and “The U.S. Census reports that between 95-96 percent of all U.S. residents are already proficient in English”

(<http://www.stolaf....n/aatg/engpts.html>).

Presently, there are very few government documents that are being printed in languages other than English, although supporters of English Only claim it is a high number. “According to a recent Congressional study, only .06 percent (or 256) of the 400,000 official communications printed by the federal government each year are in languages other than English,” (<http://www.stolaf....n/aatg/engpts.html>) and

The record of bilingual ballots indicated they were cost effective. In Los Angeles, bilingual services amounted to just 1.9 percent of all election costs...In San Francisco...the bilingual election provisions cost .0016 percent of the city budget. Of the tax bill for the average homeowner, just three cents of that bill every year went to provide bilingual ballots (Trasvina 1990, p.283).

Effectiveness of Bilingual Education

In response to the tests that proponents of English Only have conducted, opponents of English Only legislation respond with their own studies. So far, the most complete studies have been conducted by Virginia Collier and Wayne P. Thomas of George Mason University in Fairfax, Va. After 13 years of examining 42,000 students, their studies show that

two-way classes are superior. Such classes help students gain knowledge in complex subjects while developing fluency in a second language over 7 to 10 years. After about fourth grade, students in two-way classes even outperform native-English speakers in English-only classes (Donegan 1996, p. 53).

Teachers also encourage the use of bilingual education as a means of helping students understand different cultures and develop respect for them.

A possible alternative to the English Only Amendment is The English Plus Bill. Introduced by both a republican and a democrat, the hope that a non-partisan solution will spur the cooperation of all politicians in the promotion of English along with the preservation of individual cultures.

The English Plus Bill

Introduced by Ros-Lehtinen (R-Fl.) and Serrano (D-NY)

Supported by the National Educators' Association

Be it resolved that it is the Sense of the United States Congress that

- First, the United States government should pursue policies that promote the acquisition of English language abilities by all Americans;
- Second, the United States government should be pursue policies that nurture the development of diverse world language abilities by all Americans;
- Third, the United States government recognizes the threat to vital American interests and individual rights posed by “English Only” measures and similar language restriction measures.
- Fourth, the United States government should assist Native Americans, Native Alaskans, Native Hawaiians and other peoples indigenous to the United States, in their efforts to prevent the extinction of their languages and cultures; and
- Fifth, the United States government shall continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity and protect fundamental rights.

Recommendations for Community Groups and Organizations

- Provide training to enable selected participants to become resources on issues involving English Only.
- Participate in coalitions with the other organizations who share your position.
- Develop groups who can volunteer to provide English language tutoring for those not fluent in English.
- Promote the inclusion of topics addressing English Only and bilingual education at conferences and meetings.
- Recommend that school district in-service programs address second language training.
- Work with the Parent-Teacher Association and other community groups to provide accurate information to parents, preferably with foreign language translations, on the importance of bilingual education.
- Work with the school district and community groups to develop a list of organizations and agencies that can provide referrals for anyone seeking to learn English.
- Work to create culture and language understanding in the community including members and students.
- Work to establish multicultural education in school systems.

The preceding was taken from 1997 <http://www.nea.org/info/engonly.html>

The Marketing Mix

Target Market

Republicans are the largest group of people who mainly support the English Only Amendment. Therefore, winning their support for the English Plus Bill would be a significant step in reversing the push for the English Only Amendment. Republicans who are in areas where there are large majorities of different ethnic groups should especially be targeted due to their direct contact with their constituents. By promoting a means in which these politicians can better serve their people is the same as promoting the English Plus Bill.

Product

The English Plus Bill is a means in which English is promoted as the most important language in the United States but still acknowledges the preservation of cultures. It not only is it created by both a democrat and a republican but also does not impose a federal law upon states and thereby infringing upon their already-established state laws that accommodate their people.

The English Plus Bill responds to several concerns republicans have in regard to bilingual education. In response to the republicans' concern that the budget is heavily affected, The English Plus Bill stresses volunteers to get involved with bilingual education. In answer to students being misplaced in bilingual classes, the bill encourages PTA members and educators to play a more active role in monitoring the programs.

Although former republican president Ronald Reagan said in 1987 about bilingual education that ““If they’re going to be in the United States, they have to learn our language. Teach them English,”” he failed to recognize that bilingual education is a means by which students learn English (Trasvina 1990, p. 284). The English Plus Bill attempts to make this point clear through their recommendations.

Price

The republicans’ vote for this legislation will cost them their pride. Several of the arguments they present for the English Only Amendment are considered myths. This includes their argument that immigrants are less willing to assimilate and the United States would become a divided nation with bilingual education.

Other costs associated with the enactment of this bill would include the continuing expense of providing bilingual programs. In addition, the program emphasizes more training and more multicultural education within school systems in an effort to improve the quality of bilingual education. The cost of both intensifying bilingual education and maintaining the already-established bilingual public services would be considered costs since the republicans believe little funding should go to social programs.

Place

The English Plus Bill should be highly regarded throughout the United States, but special consideration should be placed on areas with highly diverse populations. States such as Texas, California, Florida and New York should place special emphasis on the details of The English Plus Bill.

Promotion

Since all politicians are largely swayed by the needs and wants of the people in the area in which they serve, promotion should be directed towards the people in those areas. The promotion should give the downfalls of the English Only Amendment but juxtapose them next to the benefits of The English Plus Bill. Encouraging them to write their local politician is an effective way to promote the bill.

The content of the persuasive message will center around the idea that maintaining bilingual education and services will unify the country. Since republicans focus their attention on the belief that enacting the English Only Amendment would unify the country, special emphasis will be placed on the court cases that have already proven that English Only legislation actually separates people. Some of these incidents will be documented through public service messages through media such as television and radio. Posters containing information about these court cases should also hang conspicuously in schools, teachers' lounges and community centers.

The court cases that display blatant injustice would include the incident when a worker was fired for speaking Spanish, and another incident when a customer was asked

to sit in the back of a pub since he was speaking Spanish (Weinstein 1990, p.275). These occurrences would then resurrect memories of civil right strife from the '60s. It's important that people within see the community perceive that the English Only Amendment is a blatant violation of civil rights and a means to discriminate against ethnic groups. English Only will be presented as only a euphemism for racism and should be placed in the same category as the Jim Crow Laws and the anti-immigration laws that America's history often reports (Trasvina 1990, p.282). The American people should know that they can correct the mistakes from the past by not repeating them.

To further appeal to all ethnic groups in a community, the similarities between English Only legislation and Nazi tactics will be further publicized. Therefore it is extremely important that the relationships between the members of English Only groups and groups that are well-known as racist and xenophobic be advertised. For example, John Tanton was the both the head of U.S. English and the Pioneer Fund. It would be of the public's interest to know that the Pioneer Fund once supported Hitler's strategy of forced sterilization for populations (Adams 1992, p.24).

Republicans can then lessen their costs in regard to their pride too. If they can genuinely act surprised about how racist and detrimental the English Only Amendment may be, they can then back away from the fight. They can then say they were only concerned about cost and unification, and as more of their constituents support them, they will gain confidence in what they are saying and may even convince some of their colleagues to stop the fight for English Only.

Another key element in promoting the English Plus Bill is to stress that cultural preservation is what makes America a great nation. Since the English Only Bill panders

to the belief that speaking anything but English is “un-American,” the promotional campaign should inspire people to reflect upon their roots and recall that every one of us was once an immigrant or had a grandmother or great-grandmother who had to fight against racist legislation of their time. Words such as, “We the people” and “created equal” should riddle the campaign. Through this, American values are not ignored. Instead they are enhanced and are made more powerful through the diversity and cultural riches that each one of us has to bring to the nation. It would be hard to argue against this, and the promotional campaign should also include advertisements about the benefits of a being a multilingual nation. These examples would especially include when Japanese Americans translated enemy communications during World War II and other such times when languages helped America overcome some struggle preserve freedom and democratic ideals.

Because the pushing of this bill will intensify, local organizations already involved in English Only legislation (whether pro or against) will be encouraged to increase their debates publicly for support. This will be good since awareness of the issues will increase and promotion for the English Plus Bill can directly address those concerns that affect a particular community the most. For some, the idea that their community is separated by language may be more important than the cost of bilingual education programs. Promoting the English Plus Bill on a personal and local level will prove to be effective since it creates the feeling that the people’s best interests are being kept. All of these promotions that are geared for constituents will be executed through television and radio commercials more so than through written media.

The print ads will be reserved for the appeal to the republican politicians themselves. They will be placed in conservative magazines or government magazines such as *Policy Review*. These ads will attempt to dispel the myths about bilingual education and will give hard-core assimilation statistics and basic costs of bilingual services. These ads will spell out the facts about bilingual education, including that there are very few cases in which students are misplaced in bilingual classrooms and that often times students who learn English through these classes are often more proficient in English than native speakers (Donegan 1996, p.53).

These ads will also force the politician to reflect on how he will handle the potential dangers English Only will present in regard to public safety. If a child dies in his district because he could not understand a label on a prescription, it will not be easy to justify his death by saying it cost less to reprint the label in a different language.

The politician should also be aware of how many frivolous cases will be brought to the courts within his district, and his people will turn to him for a solution. It will eventually be left to him, not the federal government mandating the law, to deal with the enforcement of English Only. This would be costly and impractical, and he should be aware of this before voting on it.

Appendix

Major Organizations

For English Only

U.S. English (Founded in 1983)
1747 Pennsylvania Ave., N.W.; Suite 1100
Washington D.C. 20006-4600
(202) 833-0100

This organization would like to make English the only language of the United States and has sought the prohibition of advertisements in any other language than English. They tried to ban phone books from being printed in Spanish in Florida (Stalker 1988, p.45). U.S. English is the sister organization of the Federation for American Immigration Reform (FAIR) and lobbies for restrictive immigration legislation (<http://www.nea.org/info/engonly.html>).

English First (Founded in 1986)
8001 Forbes Place, Suite 102
Springfield, VA 22151
(703) 321-8881

This organization is in favor of making English the official language of the United States. It is against bilingual education. English First is also a part of a larger and more powerful anti-immigration organization called Committee to Preserve the Family. This Committee has established U.S. Border Control. Its director, Larry Pratt, is secretary of the Council on Inter-American Security which issued a report implying that, "Hispanics are a national security threat and that bilingual education promotes cultural apartheid" (<http://www.nea.org/info/engonly.html>).

Institute for Research in English Acquisition and Development (READ)

This organization says the government and those participating in bilingual education are wasting money. They claim there is no uniformity in bilingual programs and the majority promote the native language more so than English.

Republicans

This political party consists of the legislation pushers and the voices for the lobbying groups mentioned above. Retired Senator Robert Dole is credited with resurrecting the push for English Only during his campaign for the 1996 presidential election. However, there are republicans who have publicly denounced the English Only Amendment. The NEA is working with Republican

Florida Representative Ros-Lehtinen to promote a less restrictive piece of legislation called the English Plus Bill (<http://www.nea.org/info/engonly.html>).

Against English Only

English Plus Information Clearinghouse (EPIC)

This organization is the most active voice opposing English Only. Its main objective is to maintain English as the primary language of the United States but to also acknowledge the importance of equal opportunity through language diversity (*Epic Events* 1989, p.2).

National Association for Bilingual Education (NABE)

1220 L. St., N.W.; Suite 605
Washington D.C. 20005-4018
(202) 898-1829

This organization is constantly working to improve educational programs for non-English-speaking students. They also promote bilingualism among English-speaking American students (Donegan 1996, p.66).

U.S. Department of Education

Office of Bilingual Education and Minority Languages Affairs
330 C St., S.W.
Washington D.C. 20202-6510
(202) 205-5463

This organization “provides school districts and state education agencies with grants to establish, operate and improve programs for people with limited English proficiency and administers assistance programs for refugee and immigrant children” (Donegan 1996,p.66).

National Education Association

This educators’ association mainly deals with bilingualism in the education arena. It was at first for English Only but is now against it. It claims English Only “is an attempt to disenfranchise minority citizens” (1997, <http://www.nea.org/info/engonly.html>).

Joint National Committee of Languages (Founded in 1979).

1118 22nd Street, N.W.
Washington D.C. 20037
(202) 466-2666

This organization consists of over 60 other organizations within the language profession. It acts as "point of reference for the planning of national language policies and the identification of national needs in this area" (1997 <http://www.languagepolicy.org/nclis/jncl.html>). It is affiliated with the National Council of Languages and International Studies and works to assure that those not proficient in English are provided the opportunity and the encouragement to learn. They also work with EPIC.

Democrats

The majority of democrats oppose English Only; however, Senator Quentin Burdick (D. North Dakota), was co-sponsor of the English Only Amendment (Imhoff and Bikales 1987, p.72). The democrats have never initiated legislation counteracting the push for English Only. They mainly assume the defensive position by opposing pieces of legislation.

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